

David W. Affeld, State Bar No. 123922
Damion Robinson, State Bar No. 262573
Affeld Grivakes LLP
2049 Century Park East, Ste. 2460
Los Angeles, CA 90067
Telephone: (310) 979-8700

Attorneys for Plaintiff
Michael Zeleny

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MICHAEL ZELENY,

Plaintiff,

vs.

GAVIN NEWSOM, *et al.*,

Defendants.

Case No. CV 17-7357 JCS

Assigned to:
The Honorable Richard G. Seeborg

Discovery Matters:
The Honorable Thomas S. Hixson

**NOTICE OF WITHDRAWAL OF
MOTION FOR RELIEF FROM
NONDISPOSITIVE PRETRIAL ORDER
OF MAGISTRATE JUDGE**

[No Hearing]

Action Filed: December 28, 2017
Trial Date: November 18, 2019

Plaintiff Michael Zeleny ("Zeleny") respectfully withdraws as moot his Motion for Relief from Nondispositive Pretrial Order, Dkt. No. 66 (the "Motion for Relief").

The Motion for Relief relates to a subpoena Zeleny served on New Enterprise Associates ("NEA") and Judge Hixson's order granting in part and denying in part NEA's Motion to Quash that subpoena. After filing the Motion for Relief, with the stipulation of the existing defendants and the Court's approval, Zeleny filed a First Amended Complaint,

1 naming NEA as a defendant in this action.

2 Because NEA is now a party, it is subject to the ordinary rules of party discovery,
3 including appearance at a deposition through a notice of deposition. Zeleny intends to take
4 party discovery from NEA. Accordingly, there is no need to take discovery pursuant to the
5 subpoena, and the Motion for Relief is moot.

6 Dated: April 9, 2019

Respectfully submitted,

7 s/ Damion Robinson

8 David W. Affeld

Damion D. D. Robinson

Affeld Grivakes LLP

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10 Attorneys for plaintiff Michael Zeleny
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PROOF OF SERVICE

I hereby certify that on April 10, 2019, I electronically filed the foregoing document using the Court's CM/ECF system. I am informed and believe that the CM/ECF system will send a notice of electronic filing to the interested parties.

s/ Damion Robinson
Damion Robinson